IN THE SUPREME COURT OF FLORIDA

In Re: Amendments to Rules Regulating the Florida Bar Re: Chapter 11 Task Force, Case No. 03-122

To The Florida Supreme Court:

My name is Chiaka Ihekwaba and I am an Assistant State Attorney presently working in the State Attorney's Office in Miami-Dade County. I am sending these comments in objection to changes proposed to Rule 11-1.9 (c) Termination of Certification.

As you are aware, Chapter 11 in its present form allows qualified law school graduates to serve as Certified Legal Interns for twelve (12) months from the date of graduation. The proposed rule change would terminate certification if the CLI failed "any portion of the Florida bar examination". The practical impact of the existing rule is that most graduates are able to maintain their CLI status even if they fail the Florida Bar on their first try. Even though this is not what happened to me, I know someone it happened to.

I graduated from law school in May of 2001. I took the July bar exam and started working as a post-graduate CLI in the Miami-Dade County State Attorney's Office in August of the same year. Bar results were released approximately a month after I started working in the office and fortunately, I passed the bar the first time however, my very close friend who was working alongside me did not. Fortunately, however, she was able to maintain her CLI status. In accordance with the Rule, she applied to take the next bar exam and was successful her second time around.

In the interim, we both received a great deal of training and experience in criminal prosecution. Our office provided extensive training to the new hires during our first year. I worked right alongside my colleague who had not passed the bar. She did everything we did (called the daily arraignment and trial calendars, interviewed police officers and other witnesses, selected juries, tried bench and jury trials, examined and cross-examined expert witnesses, conducted bond hearings, handled evidentiary motion hearings, researched and wrote appeals from misdemeanor court, and conducted oral arguments on such appeals) and learned a great deal about criminal law, discovery rules, the rules of criminal procedure. We are both the attorneys we are today, in large part, due to the invaluable experience we were able to obtain in our first year at the State Attorney's Office. Neither of us would have had the benefit of such excellent, practical, hands-on experience if the proposed rule had been in effect when we graduated. The impact of the rule would have de-railed my friends fledging legal career approximately one month after it began. Coupled with the fact that she was the mother of two children who were also depending on her (as well as her spouse) for their joint incomes to provide adequately for their family. If she had been fired, of course there would have been no income forthcoming on her part.

On a personal note even though I would not have been directly affected if the proposed amendment had been in effect at the time of my graduation, it would have indirectly affected me, as myself along with all my other colleagues would have had to cover all the work left by our now fired colleagues. The caseloads as they are currently in the State Attorney's office are stretched virtually to the limit, but adding the work of the newly fired attorneys would have meant even larger caseloads for the attorneys left behind. This would surely have a trickling effect, as more people would feel overworked and might decide to quit the job and as the word gets out, even less people would apply for jobs in the State Attorney's office. I can assure you that if this proposed rule comes into effect most new graduates would not want to come to work in our office since their jobs are not guaranteed. I DEFINITELY would not have come to work here knowing that depending on the bar result I could loose my job in about a month. This is clearly (I would hope) not the message that the Supreme Court is intending to send out.

In comparing the proposed rule to the existing CLI rule governing law students I must make an observation. If the proposed rule is changed, then what we are saying is that a law student who has gone through a clinical program and is working as a certified legal intern **while in law school** is more qualified to work in this capacity than someone who has more legal education, has graduated from law school, has the same training and abilities, has studied for the Bar but unfortunately failed. Most respectfully, I would submit that the CLI graduate is much more qualified than a CLI who is still in law school.

Most of us choose to work in these offices and represent the State because of a desire to help protect society and give back to our communities. As stated in Rule 11-1.1, the "bench and bar are primarily responsible for providing competent legal services for all persons". To me, "all persons" also includes the State of Florida. Our charging documents, our Informations and Indictments, all indicate that crimes are committed "against the peace and dignity of the State of Florida". As prosecutors and as public servants we represent the State of Florida and its people. This state also deserves competent legal services. One way to assist in providing these competent legal services is to leave Rule 11-1.9 (c) in its present form. The result will be an office with prosecutors who are more knowledgeable and more experienced. These results will inure to the benefit of the bench, the bar and the residents of this great state.

I therefore plead with you not to change the rule.

Respectfully Submitted

By:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the above was mailed to John F. Harkness, Jr., Executive Director Of the Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 and William P. White III, Chair, Chapter 11 Task Force, 25 North Market Street, Suite 200, Jacksonville, FL 32202-2802, and electronically submitted via e-mail on this ____ day of September, 2005.

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